

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4790 OF 1993

Phad Subhash Shamrao ..Petitioner

V/S

Pen Education Society & Ors. ..Respondents

Mr. G. V. Limaye with K.S. Dewal for petitioner.

Addl. Govt. Pleader for Resp. No.4.

Mr. Sabnis for Resp. No. 3.

CORAM : A.P. DESHPANDE, J.

DATE : 19TH JANUARY, 2007.

P.C.

1. Learned counsel for the petitioner pointed out that the petitioner had filed Appeal before the School Tribunal challenging the promotion granted to Respondent No. 3 by contending that the petitioner's claim was superseded. Appeal has been dismissed. During the pendency of this petition, petitioner has retired from the service on attaining the age of superannuation. Learned counsel submits that after retirement petitioner is getting the pension. However, he apprehends

that the observation made in the order passed by the presiding officer that the petitioner was not qualified to be appointed as Asstt. Teacher in the Secondary School, may adversely affect the petitioner in relation to the pensionary benefits and hence seeks permission to withdraw the petition with liberty to keep the issue of correctness of the observation open, made in its judgment and order dated 11-10-1993. The petition is allowed to be withdrawn with liberty as prayed for. The communication authorising the counsel to withdraw the petition is taken on record.

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(A. P. DESHPANDE, J.)